

### Remarks

#### Double Patenting:

Claims 19 and 20 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 8, 9, and 10 of U.S. Patent No. 7,138,382. Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claims 21 and 26 into claim 19. Support for a ternary complex can be found in the specification on page 3 line 32 to page 4 line 7 and page 7 lines 21-24.

Claims 19 and 20 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, and 9 of U.S. Patent No. 6,630,351. Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 21 and 26 into claim 19.

Claims 19 and 20 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 19, 21, 23, 25, and 26 of copending Application No. 10/083,456. Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 21 and 26 into claim 19.

#### Rejection of the claims under 35 USC §112:

Claims 19-32 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 19 has been amended in line 1 to recite “a cell” instead of “the cell” as recommended by the Examiner to obviate the rejection.

The Action states that the term “maleic anhydride derivative” in claim 26 is a indefinite. Applicants respectfully disagree. Applicants have described maleic anhydride derivatives on page 4 lines 29-33 and FIG. 1. Further, derivative is a standard term in the chemistry art. The American Heritage dictionary defines a derivative as: “**4. Chemistry** A compound derived or obtained from another and containing essential elements of the parent substance.” This definition



is consistent with the Applicants' teaching on page 4 lines 29-33. The maleic anhydride group is the essential element of the parent substance, with substitution permissible at R<sub>1</sub> and R<sub>2</sub>.

The Action states that the metes and bounds of the phrase "at least about" in claim 29 is unclear. Applicants have amended the claim to recite "greater than" to obviate the rejection. Support for the amendment can be found in the specification on page 3 lines 28-29.

Rejection of the claims under 35 USC §102:

Claims 19, 20, and 24-28 have been rejected under 35 U.S.C. 102(a) as being anticipated by Rozema et al. (2003, available 12/16/2002). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claims 21 into claim 19.

Claims 19, 20, 24, and 29 have been rejected under 35 U.S.C. 102(a) as being anticipated by Murthy et al. (2003). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claims 21 and 26 into claim 19.

Claims 19, 20, 24, and 29 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hoffinan et al. (WO 01/51092). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claims 21 and 26 into claim 19.

Claims 19, 20, and 24 have been rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al. (US Patent Publication 2001/0044147). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claims 21 and 26 into claim 19.

Claims 19-24 and 29-32 have been rejected under 35 U.S.C. 102(b) as being anticipated by Schacht et al. (US Patent 6,312,727). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 26 into claim 19.



Claims 19, 20, and 24-29 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wolff et al. (WO 00/75164). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 21 into claim 19. Claims 19, 20, 24-26 and 29 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wolff et al. (US Patent 7,138,382). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 21 into claim 19.

Claims 19, 20, 24-26 and 29 have been rejected under 35 U.S.C. 102(e) as being anticipated by Monahan et al. (US Patent 6,630,351). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 21 into claim 19.

Claims 19, 20, 24-26 and 29 have been rejected under 35 U.S.C. 102(e) as being anticipated by Monahan et al. (US Patent Publication 2003/0199090). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 21 into claim 19.

Rejection of the claims under 35 USC §103:

Claim 25 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Schacht et al. (US Patent 6,312,727) in view of Blattler et al. (US Patent 4,569,789). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 26 into claim 19.

Claim 25 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. (US Patent Publication 2001/0044147) in view of Blattler et al. (US Patent 4,569,789). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have incorporated the limitations of claim 26 into claim 19.



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Reply to Office action of **12/29/2006**

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 19, 22, 23, and 27-32 should be allowable.

Respectfully submitted,

/Kirk Ekana/  
Kirk Ekana, Reg. No. 56,672  
Mirus Bio Corporation  
505 South Rosa Road  
Madison, WI 53719  
608-238-4400

I hereby certify that this correspondence is being  
transmitted to the USPTO on this date: 03/09/2007

/Kirk Ekana/  
Kirk Ekana